

# Staff Summary Report



To: Mayor & City Council  
Through: City Manager

Agenda Item Number **37**  
Meeting Date 10/28/99

**SUBJECT: ORDINANCE FOR ADOPTION**

**PREPARED BY:** JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES  
(350-8417)

**REVIEWED BY:** HOWARD C. HARGIS, CITY ENGINEER (350-8250)

**BRIEF:** This is the first public hearing for the abandonment of an easement granted to the City of Tempe from Southern Pacific Transportation Company.

**COMMENTS:** **ABANDONMENT (0901) ORDINANCE NO. 99.37** This is the first public hearing for the abandonment of an easement granted to the City of Tempe from Southern Pacific Transportation Company. The easement was granted in 1978 as a street and highway easement, in Docket 13377, Page 589.

**Document Name:** (991028PWDR03) Supporting Documents: Yes

**SUMMARY:** The easement rights became null and void in 1980, per the terms of the document. In connection with Hayden Ferry North, this is being formally abandoned to clear title to the property. Staff supports the abandonment.

**RECOMMENDATION:**

That the City Council set a public hearing and adopt Ordinance No. 99.37 and authorize the Mayor to execute any necessary documents.

Approved by: Judith Greenberg, Public Works Director

ORDINANCE NO. 99.37

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF  
TEMPE, ARIZONA, ABANDONING AN EASEMENT  
GRANTED TO THE CITY OF TEMPE FROM THE  
SOUTHERN PACIFIC TRANSPORTATION COMPANY

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WHEREAS, it has been determined by the City Council of the City of Tempe that  
a portion of right of way which was intended for street and highway purposes is no longer  
required by the City of use as such, and

WHEREAS, it would appear to be in the best interest of the City of Tempe to  
abandon said easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish, and  
vacate an easement which was intended for street and highway purposes as described and  
delineated on EXHIBITS "A" and "A-1" attached hereto.

SECTION II. That all rights of the City in that easement to be abandoned shall  
vest in the record owner(s) of the subject property and shall be subject to the same  
encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the right  
of way is a part.

Ordinance No. 99.37  
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SECTION III. That the Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

(C463348-T#30 and C463349)

-OK! 13377ps 591

EXHIBIT "A"

That part of the Northwest quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as a strip of land 80.00 feet in width lying 40.00 feet on each side of the following described centerline: Commencing at a point on the West line of said Northwest quarter a distance of 20 feet South of the Northwest corner of the South half of said Northwest quarter; thence East (assumed bearing) along a line parallel to and 20 feet South of the North line of the South half of said Northwest quarter, a distance of 940 feet to a point 123 feet West of the West line of that certain parcel conveyed in Book 86 of Deeds, page 504, records of the County Recorder, Maricopa County, Arizona, said point being the Point of Beginning of the centerline described herein and also being the point of tangency with a curve, concave to the southwest and having a radius of 600 feet; thence Southeasterly along said curve through a central angle of 55°00' for a distance of 575.96 feet to a point of tangency; thence South 35°00' East, a distance of 230 feet to a point of tangency with a curve concave to the Northeast and having a radius of 755 feet; thence Southeasterly along said curve through a central angle of 26°00' for a distance of 342.61 feet to the Point of Terminus of said centerline described herein. EXCEPT that area lying outside of that said certain parcel conveyed in Book 86 of Deeds, page 504.

Subject to easements of record.

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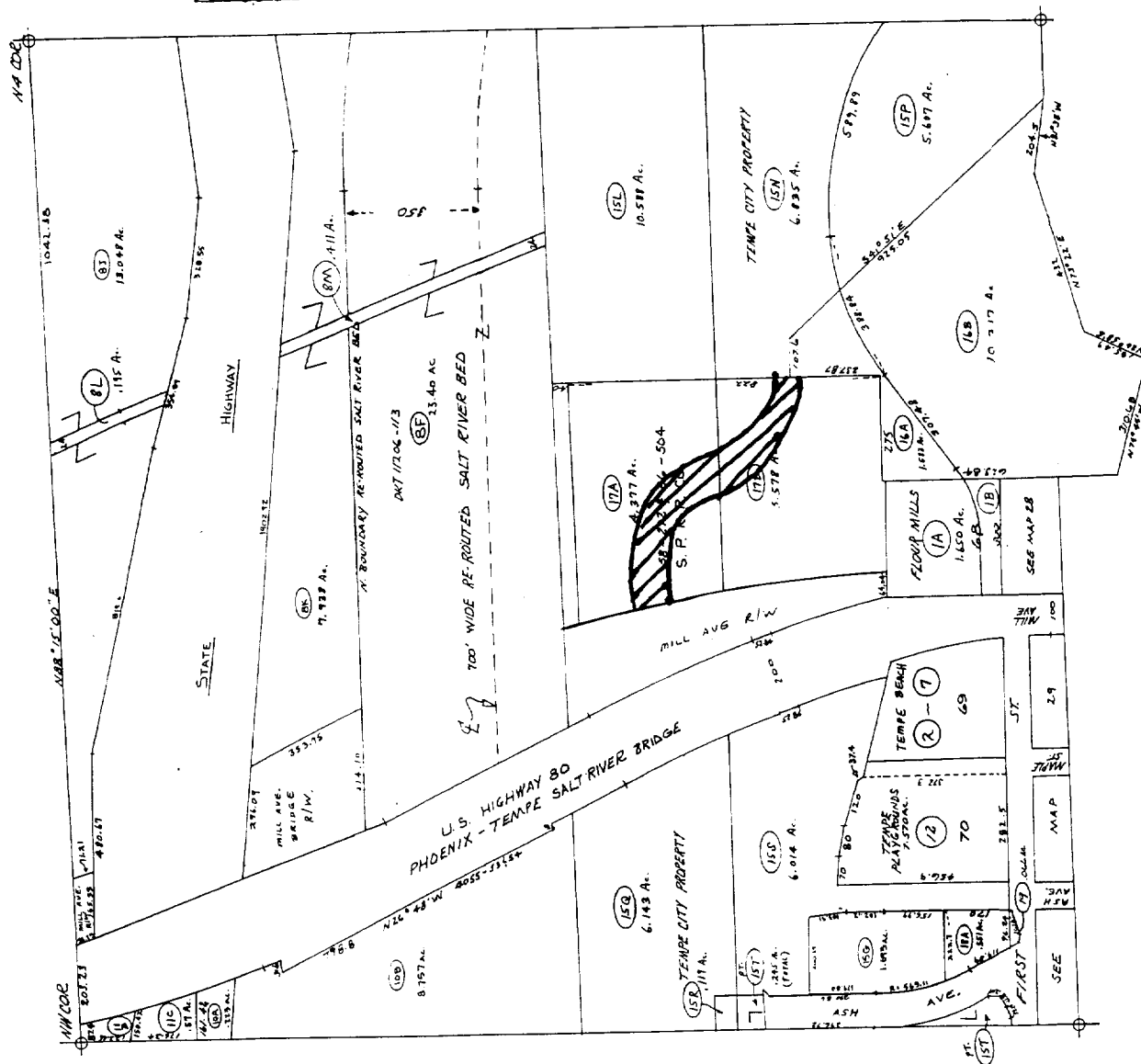
[illegible]

Exhibit "A-1"

WAVE PROJECTION  
NW & SEC 15

267.762 267.761 267.761  
N 16° 50' 28" E  
163.0259 163.0259  
468.761 468.761  
3.91 3.91 ON

N 88° 17' 49" E  
267.762 267.761 267.761  
N 16° 50' 28" E  
163.0259 163.0259  
468.761 468.761  
3.91 3.91 ON

(hatched area indicates location of abandonment)

# Staff Summary Report



To: Mayor & City Council  
Through: City Manager

Agenda Item Number 43  
Meeting Date: 10/28/99

**SUBJECT:** Resolution 99.59—Revision to the City of Tempe Personnel Rules regarding the Compassionate Leave Policy.

**PREPARED BY:** Deborah Schinzel, Administrative Secretary

**REVIEWED BY:** Shirley Kanode, Human Resources Director  
Susan L. Crooks, Assistant Human Resources Director

**BRIEF:** Revision to the City of Tempe Personnel Rules regarding the Compassionate Leave Policy.

**COMMENTS:** PERSONNEL POLICIES (0301-03) RESOLUTION NO. 99.59 - Request approval of revisions to the Personnel Rules and Regulations

**Document Name:** (991028HRds01) Supporting Documents: No

**SUMMARY:** Human Resources requests approval of the attached resolution for changes to the Personnel Rules and Regulations--specifically, the Compassionate Leave Policy.

## **HISTORY AND FACTS:**

The Merit System Board, City Attorney's Office, and Tempe Employees' Council recommend that the following sections of the personnel rules be amended to allow regular employees to receive compassionate leave while serving their initial probationary period. This policy corresponds more closely to the policies of other public sector employers.

## **RULE 2. COMPENSATION & CLASSIFICATION, Section 510.**

**Compassionate Leave**, Subsections C. and D.

**Fiscal Impact:** None

Attachment: Resolution 99.59

## RESOLUTION 99.59

### A RESOLUTION OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY'S "PERSONNEL RULES & REGULATIONS" RELATING TO THE COMPASSIONATE LEAVE POLICY

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, THAT THE FOLLOWING REVISIONS BE MADE TO THE CITY'S PERSONNEL RULES AND REGULATIONS, AND HEREBY AMENDS OR APPEALS, AS APPROPRIATE, ANY PREVIOUS ACTIONS OF THE COUNCIL INsofar AS THEY MAY CONFLICT WITH OR BE SUPERSEDED BY THIS RESOLUTION.

#### RULE 5. LEAVE

**Section 510. Compassionate Leave**, Subsections C. and D. of the Tempe "Personnel Rules and Regulations" are hereby amended and will read as follows:

C. An employee wishing to request Compassionate Leave must:

- ~~1. Have successfully completed his/her original probationary period.~~
2. 1. Have a non-job related seriously incapacitating illness or injury as certified by a physician, which prevents his/her return to work for an extended period.
3. 2. Have exhausted all medical (if applicable), vacation, compensatory leave balances, and must not be receiving long-term disability benefits. Probationary employees may use their accrued medical and vacation leave.
4. 3. Submit a physician authorized Request for Compassionate Leave form (see Compassionate Leave Policy for example).

D. An employee wishing to donate paid leave must:

1. Be a regular employee on active status. (Donations of medical or vacation leave must be made before the last day of regular employment).
- ~~2. Have successfully completed his/her original probationary period.~~
3. 2. Retain a minimum of forty (40) hours each of vacation and medical leave for his/her own use (48 hours for Fire Battalion Chiefs and 56 hours for firefighters working 24-hour shifts).
4. 3. Designate a recipient by completing a City of Tempe Leave and/or Premium Pay Request

form (~~Compassionate Leave~~ section, see Compassionate Leave Administrative Policy for example) and submitting it to the Human Resources department.

**Note:** *New text is underlined and deleted text is struck out.*

**PASSED AND ADOPTED** by the City Council of the City of Tempe, Arizona, this XX day of XX 1999.

**CITY OF TEMPE, a municipality.**

By \_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**

\_\_\_\_\_  
**Deputy City Manager**

\_\_\_\_\_  
**Human Resources Director**

\_\_\_\_\_  
**Management Services Director**

SSRandResol\_99-59.doc